

Federal Defenders
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May 25, 2023

VIA ECF & EMAIL

The Honorable Nicholas G. Garaufis
The Honorable Kiyo A. Matsumoto
United States District Judges
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: **United States v. Qawon Allen,**
Nos. 19-cr-128 (NGG), 20-cr-213 (KAM)

Dear Judge Garaufis and Judge Matsumoto:

We write on behalf of defendant Qawon Allen. After considering the government's reply brief in support of disqualification and consulting with Mr. Allen and *Curcio* counsel, we hereby notify the Court that Federal Defenders of New York no longer opposes the government's disqualification motion and affirmatively moves to withdraw as counsel.

In opposing disqualification, we stated that we would seek to remain on the case only if Mr. Allen entered the necessary factual waivers to remove Mr. Yaster as an unsworn witness. *See* DQ Opp'n 1. We listed several factual objections that Mr. Allen would have to abandon at a *Curcio* hearing for us to remain his attorneys. *See id.* at 1, 4. Since its initial filing, the government has identified additional ways in which Mr. Yaster could become an unsworn witness either for or against Mr. Allen at sentencing. It also has stated that there may be further unanticipated factual disputes to which Mr. Yaster could be a witness.

We now agree that it will be difficult, if not impossible, to anticipate the potential factual questions that could render Mr. Yaster an unsworn witness, either for or against Mr. Allen. Our inability to predict them imperils Mr. Allen's ability to enter a knowing and intelligent waiver at a *Curcio* hearing. Accordingly, we no longer object to disqualification on the ground that Mr. Yaster may be a potential fact witness for or against our client. We respectfully request that Federal Defenders be granted leave to withdraw from Mr. Allen's representation on that basis.

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We have discussed this motion to withdraw with *Curcio* counsel, Mr. Allen, and the government. It is unopposed.

Respectfully submitted,

/s/
Deirdre D. von Dornum
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Benjamin Yaster
Federal Defenders of New York, Inc.
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Counsel for Qawon Allen

cc: all counsel of record (via ECF)
Qawon Allen (via hand delivery)